

USAWC STRATEGY RESEARCH PROJECT

STRATEGIES TO INTEGRATE AMERICA'S  
LOCAL POLICE AGENCIES INTO  
DOMESTIC COUNTERTERRORISM

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## ABSTRACT

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This paper will address the challenge of integrating America's numerous local police agencies into the effort to prevent the next catastrophic terrorist attack. It will do so by initially reviewing the evolution of American local policing to identify those core competencies that may be leveraged to prevent terrorist acts. Following this review, an analysis of both the Joint Terrorism Task Force (JTTF) system and the *National Criminal Intelligence Sharing Plan* (NCISP) will highlight their respective abilities to help enable local police agencies to stop future terrorist attacks.

The analysis highlights the importance of reinforcing the JTTF system as the most effective model for integrating local police agencies into domestic counterterrorism. Specifically, operating procedures across the entire JTTF system should be standardized in order to enhance local agency participation and encourage operational best practices. Next, local agencies must make counterterrorism a higher priority and leverage their hard-earned core competencies to provide unique counterterrorism skills that Federal law enforcement agencies lack. Additionally, Federal funding ought to be increased for counterterrorism, not only to support local police agencies, but also to allow for their increased participation in the JTTF system. Federal, state, and local law enforcement training organizations should coordinate a standardized counterterrorism training curriculum for all local police officers to enhance their ability to help prevent terrorist acts. Finally, this paper urges the acceptance of the NCISP's technical recommendations related to information systems improvements while rejecting its advice to develop a new local police core competency – intelligence-led policing – as an idea whose known costs outweigh its perceived benefits.



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## STRATEGIES TO INTEGRATE AMERICA'S LOCAL POLICE AGENCIES INTO DOMESTIC COUNTERTERRORISM

Post 9/11, a central question for the law enforcement community has been how to best bring America's 15,738 local police agencies<sup>1</sup> into the domestic counterterrorism fight. The 9/11 Commission Report gave little guidance on this matter, only encouraging the FBI to work through its Joint Terrorism Task Forces (JTTF) to establish reciprocal information sharing with local law enforcement agencies.<sup>2</sup> Besides this limited advice, two major sets of ideas have been discussed in the public forum. Some policing strategists urge a focus on expanding and bringing more fidelity to the FBI's JTTF system. Others push for a new 'way ahead' via transformational concepts proposed in the *National Criminal Intelligence Sharing Plan* (NCISP). Both concepts provide advantages and disadvantages and in some respects they are complementary. Certainly both bear serious evaluation.

This paper will address the challenge of integrating America's numerous local police agencies into the effort to prevent the next catastrophic terrorist attack. It will do so by initially reviewing the evolution of American local policing to identify those core competencies that may be leveraged to prevent terrorist acts. Following this review, an analysis of both the JTTF system and the NCISP will highlight their respective abilities to help enable local police agencies to stop future terrorist attacks.

The analysis highlights the importance of reinforcing the JTTF system as the most effective model for integrating local police agencies into domestic counterterrorism. Specifically, operating procedures across the entire JTTF system should be standardized in order to enhance local agency participation and encourage operational best practices. Next, local agencies must make counterterrorism a higher priority and leverage their hard-earned core competencies to provide unique counterterrorism skills that Federal law enforcement agencies lack. Additionally, Federal funding ought to be increased for counterterrorism, not only to support local police agencies, but also to allow for their increased participation in the JTTF system. Federal, state, and local law enforcement training organizations should coordinate a standardized counterterrorism training curriculum for all local police officers to enhance their ability to help prevent terrorist acts. Finally, this paper urges the acceptance of the NCISP's technical recommendations related to information systems improvements while rejecting its advice to develop a new local police core competency – intelligence-led policing – as an idea whose known costs outweigh its perceived benefits.

## THE EVOLUTION OF AMERICAN LOCAL POLICING

In order to understand how American local policing is positioned to effectively contribute in the War on Terror today, one must understand the historical forces that have shaped local police agencies.<sup>3</sup> Since the first attempts to form an organized U.S. municipal police force in 1833,<sup>4</sup> policing in this country has developed a uniquely American character with respect to its organizational structures, services rendered, and its relationship to the communities these local agencies serve. Even though this “history was produced by thousands of local departments pursuing their own visions,”<sup>5</sup> local policing has tended to move through several eras as a result of the influences of several key reformers, bodies of research, and, most importantly, years of police agency experimentation and street-level experience. This history illuminates the baggage that comes with the U.S. local law enforcement community – what this community is capable of and what it is not. The general eras of American local policing are the political era, the professional era, and the modern era.

In each of these eras local police acquired skills that, in one form or another, comprise the core competencies of American local policing in the 21<sup>st</sup> Century. From the political era local police learned the value of maintaining close ties to their communities. From the professional era America’s local police agencies became grounded in importance of uniform standards of performance, standardized training, and use of technology. From the modern era, local agencies learned the value of engaging their communities in problem solving efforts and police officers became more proactive in their methods to bring order to chaotic neighborhoods. Police management in the modern era also learned to use information technology to look for crime trends in order to better deploy their resources to prevent crime – they started to think strategically. When properly employed, the policing competencies developed in each of these eras can be leveraged to help prevent domestic terrorism today.

### THE POLITICAL ERA

Up until the mid-1800s, the U.S. was primarily an agrarian society. From the end of the Revolutionary War until the 1830s, most cities, even in the more heavily populated Northeast, were small enough to be patrolled by various systems of watches, manned by citizen volunteers at nominal pay rates. In the more rural American South and expanding West, communities opted to organize law enforcement efforts around a system of county sheriffs and constables. Sheriffs were generally elected officials while their constables were appointed.<sup>6</sup> With the advent of the industrial revolution and the resulting increase in the population of U.S. cities, crime and violence stressed the law enforcement structures to the breaking point. Riots and civil disorder

in New York (1834), Boston (1837), and Philadelphia (1844) along with soaring crime rates saw the establishment of formally organized municipal police departments in most large and mid-sized U.S. cities by the 1860s.<sup>7</sup>

Police agencies of this period were usually organized along the lines of political precincts. Ward managers in these precincts were responsible for recruiting, hiring, and firing of all governmental employees within their precinct, including police officers.<sup>8</sup> With little statutory oversight to prevent political corruption and influence, local police were seen as "adjuncts to local political machines."<sup>9</sup> Police success was measured by their ability to satisfy the demands of their political masters.

Police of this 'political' era not only performed a role in crime prevention and order maintenance, they also assisted their political sponsors in a variety of different social functions, including running soup kitchens and helping newly arrived immigrants find lodging and jobs.<sup>10</sup> Even though these societal tasks were performed at the behest of their political masters in order to curry voter favor, their performance resulted in the creation of close bonds between the police and the citizenry whom they served.

From an organizational design standpoint, management of police from this era could be characterized by a system of centralized planning by politicians. At the same time, with relatively primitive forms of communications and transportation, police officers executed their duties in a highly decentralized manner. Walking their beats, municipal police of the latter half of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century became an integral part of their communities, performing duties as crime fighters, maintainers of order, and problem solvers for their citizens in their areas of responsibility.

In spite of efforts to reduce political influence over local police agencies, such as the Civil Service Act of 1883, poor police pay, extremely close ties between the police and their communities and political leaders, and poor managerial oversight resulted in police departments that were often corrupt and inefficient. These shortfalls came to a head with the passage of the Volstead Act of 1919 (Prohibition), commencing a period of intense illegal activity. Payoffs to police became common. The political era moved toward the 1930s with local police agencies that were ineffective and that had begun to lose the full confidence of their communities.

In spite of the precarious state of local policing by the 1920s, the political era featured a defining policing characteristic that has clear implications for local agencies and their ability to combat terrorism in the 21<sup>st</sup> century: the close ties of the policemen to the communities that they police. The ability of police to establish close community ties is a central skill needed to find and stop terrorists before they strike. Local police must be trusted, not feared, if they are to be able

to discover terrorists hidden within their communities. Unfortunately, in the political era, the intimacy of the police and the community also carried with it considerable corruption and led to a set of reforms that heralded the next era of policing.

#### THE PROFESSIONAL ERA

In the 1920s two reform movements helped usher out the political era and bring in the 'professional' era. One movement started at the nation's top level of law enforcement – the Federal Bureau of Investigation (FBI). J. Edgar Hoover, who became the FBI director in 1924, proved to be a key influence on local agency law enforcement reform by virtue of the reforms he affected at the federal level.

Upon his appointment as FBI director, Hoover set out on a path of administrative reforms that included reducing the number of FBI field offices by 58% while making the remaining offices more efficient, instituting a new agent training school, and raising hiring standards.<sup>11</sup> Notably, Hoover also established the nationwide fingerprinting system (1924), a Crime Laboratory (1932), and an annual written summary of nationwide crime statistics, *Uniform Crime Reports* (UCR in 1930). The UCR became the benchmark standard for the effectiveness of law enforcement during the professional era.<sup>12</sup> Hoover's reforms started the FBI on a path to the implementation of professional standards of conduct. Furthermore, his administrative acumen at the federal level served as an example for local agency reformers.

On a parallel path, in 1929 Oakland California Police Chief August Vollmer headed President Hoover's National Commission on Law Observance and Enforcement. As a result of this commission, Vollmer outlined ten principles of police reform that most notably included: eradicating corruption by removing politics from police organizations; physical and academic standards for entry level police officers; fair wages and labor practices; basic and in-service training; implementation of a communications systems; and the institution of administrative controls over record-keeping within agencies for the purposes of achieving efficiencies.<sup>13</sup> Vollmer's protégé, O.W. Wilson, incorporated his mentor's reform principles with Hoover's transformational model and wrote the classic text, *Police Administration* (1950) that became the accepted standard for organizational standards in the municipal policing community.<sup>14</sup>

As reformers started to become successful in removing politics from local policing, many local police agencies sought to enhance professionalism and increase efficiency. Police managers viewed discretionary decision making on the part of street officers as a waste of resources. Instead management shifted the focus from individual police officers being given the latitude to solve problems at their level to the standardization of police office tasks to achieve

maximum efficiencies. Along with advances in vehicle radio technology, Wilson advocated a concept of routine vehicular preventive patrol to assist in crime reduction.<sup>15</sup> As part of this concept police would patrol their beats, providing a visible deterrent to would-be criminals and providing rapid response to reports of crimes in progress or citizen calls for service.

The organizational design of the typical professional era police department consisted of centralized planning at the highest levels of the departments and decidedly centralized execution by its police officers. This design was modeled on that of "classical or scientific design" and sought to maximize efficiency through division of labor and unity of control.<sup>16</sup> Station and precinct houses were closed as police agencies expanded the role of their headquarters, consolidated control, and pooled resources at the top of police organizations. Top-level police administrators endeavored to extend their influence all the way down to rank-and-file levels; the use of two-way radio communications enabled their efforts.<sup>17</sup> Operational success was numbers-driven and police chiefs identified two effectiveness benchmarks: response times and number of crimes (as measured by the UCR). Police administrators also marketed these benchmarks to the public as means to gauge the quality of police service.

The professional era also solidified the organizational structure of most police departments into hierarchical paramilitary-type models. In order to exert the centralized control they desired, police administrators emphasized internal control through a detailed list of rules, regulations, and general orders to proscribe police actions.<sup>18</sup> The practice of hiring military veterans reinforced this structure in the years following World War II and the Korean War.

The professional era was a crucial evolutionary stage in local agency policing. On the positive side, police departments were able to make the break from the disastrous levels of political control that has so adversely affected their credibility during the political era. Even more important from the perspective of preparing local police for today's counterterrorism mission, the professional era institutionalized uniform standards of conduct across the considerably wide spectrum of American local policing agencies. The professional era introduced a tradition of training and skills proficiency that had been missing in the political era. Even if local police officers of this era were not considered "professionals" in the tradition of doctors and lawyers, by the 1960s they undoubtedly comprised a work group that possessed highly specialized skills and who regularly employed technology (particularly communications) in the performance of their assigned missions.

Forty years later, local police officers can use the professional era's inheritance of training and facility with technology to fight terrorism. By employing today's advanced information technologies - with its modern computers and integrated databases containing terrorist

information - local police can maintain situational awareness on the current terrorist threat. The professional era's legacy of training and technology puts today's local police in a position to take advantage of networked approaches to looking for named terrorists and identifying suspicious persons taking actions that are known to be precursors to terror attacks. Facility with communications technology allows local cops to rapidly communicate their findings to others in the network who are in a position to take advantage of vital counterterrorism information.

Although the professional era reduced corruption and increased professional standards among local police officers, it had the harmful side effect of severing the close bonds between those officers and their communities – a hallmark of the previous political era. As municipal police of the professional era raced from call to call in their radio dispatched patrol cars, they lost the close contact with their citizens that had been the defining positive characteristic of the previous political era. In the professional era policing paradigm, community members fell into two simple groups – righteous citizens and criminal suspects. Contact with the former was limited to obtaining suspect descriptions for crime reports. Interaction with the latter consisted simply of pursuit and arrest. This model of policing was satisfactory to citizens as long as crime rates were low. However, as the professional era moved into the 1960s, rising crime rates along with the civil unrest associated with the civil rights movement and protests against the Vietnam War began to test the efficacy of the professional method of policing.

The challenge of the 1970s, the beginning of the modern era, was to find a way to maintain the core competencies of professional era while regaining the confidence of the people. The next section examines the modern era in two overlapping, but distinct phases.

#### THE MODERN ERA, PHASE I: COMMUNITY POLICING AND PROBLEM SOLVING

In becoming "isolated from the publics they serve,"<sup>19</sup> local police had lost support from the community for two primary reasons. Firstly, rising crime rates made citizens question the quality of the services that the local police organizations had told them they could expect to receive. Secondly, the general public lost confidence in the professionalism of local police agencies as they witnessed police of the 1960s clashing violently with Vietnam War and civil rights protesters on nightly television. The Kerner Commission (established to analyze the causes of U.S. civil disorder) even characterized the Chicago police's quelling of the 1968 Democratic convention protesters as a "police riot."<sup>20</sup>

The professional model did not have answers for the problems facing police of the 1970s. As several key pieces of academic research emerged in the 1970s, the new 'modern' era was

born. These policing experiments refuted some of the operational techniques of the professional era and called for police to get back in touch with the needs for their citizens.

In 1972 the Kansas City Police Department, in partnership with the Police Foundation, conducted the landmark "Kansas City Preventive Patrol Experiment." The experiment provided several illuminating findings. Routine preventive patrol did not appear to have a significant impact on preventing crime. Routine preventive patrols also appeared to have little influence on citizen's perceived fear of crime. Finally, police officers spent an average of 60% of their duty day waiting for calls for service.<sup>21</sup> The experiment suggested that not only was preventive patrol not as effective as had once been thought, but street-level police officers had excess time on their hands which could have been used to support other crime prevention initiatives.

The 1979 "Newark Foot Patrol Experiment" lent further support to the need for new policing methodologies. This research concluded that the foot patrol technique, a tactical tool not widely employed since the political era, positively influenced citizen's perceptions of safety, increased citizen satisfaction with police service, and fostered closer citizen-police relationships even though the technique did not actually reduce crime.<sup>22</sup> More importantly, the Newark Experiment introduced the idea that police can contribute to citizens' perceptions of neighborhood safety by reducing disorder,<sup>23</sup> and that reducing disorder eventually leads to a reduction in crime. This idea is commonly known as the "Broken Windows Theory."<sup>24</sup>

The Broken Windows Theory in essence states that physical disorder in a neighborhood provides a fertile nest for criminal disorder. Elements of physical disorder are often typified by such things as broken windows in vacant houses and abandoned disabled vehicles in on the street. When citizens disposed to minor crimes view these emblems of disorder – conditions signifying that neighborhood residents are tolerant of minor lawlessness - these petty criminals will choose this neglected neighborhood as a location to illegally dump trash, urinate, and break traffic laws. Finally, the theory suggests, more serious criminals begin plying their trade in these fully blighted neighborhoods in the form of prostitution, drug dealing, burglary, and robbery. Hence the Broken Windows Theory urges police to balance the concept of rapid response to apprehend criminals with the equally important idea of cleaning up neighborhoods - enforcing public order on the lower end of the scale for the purpose of discouraging grander scales of criminal activity.

The Kansas City and Newark studies urged police departments to move beyond the simple 'high visibility/rapid response' crime-fighting model and adopt a 'community policing' philosophy. A key element of this philosophy was the acknowledgement by police agencies that their success would be measured by the satisfaction of the citizens of their communities, their

'customers.' As the community policing concept took hold in local communities, city council members began to make overtures to their local police to place more resources in their respective constituencies. Also groups of citizens started calling for citizen review boards to provide oversight of police actions. Pressure from both elective representatives and special interest citizen groups represented political forces to local agencies. The reintroduction of the concept of local political control over police activities as a key feature in legitimizing the police function<sup>25</sup> was a concept that harkened back to the political era. However, the agencies that emerged from the professional era possessed an organizational culture that was better equipped to be responsive to political pressures without being corrupted by them. Police were now prepared to professionally interact with political forces in their external environment in a more cooperative and positive manner.

Community policing and the progression into the modern era saw a shift in philosophy away from community/police separation and from reactive policing techniques towards that of the gathering of information, collaborative problem solving, and proactive policing. In order to satisfy their citizen constituents, police started meeting with citizen groups to survey their priorities, gather information, and identify problem solving methodologies. From an organizational perspective, departments reverted to decentralized planning and execution, empowering innovative problem solving at the lowest levels. Rank and file police officers were seen as facilitators who orchestrated resources, both within and without the police department, to help the community solve its problems. This implied expansion of the police services frequently demanded that police officers work in a local inter-agency fashion (e.g. Public Works, Traffic Engineering, Sanitation Department, etc.) to order to craft solutions to community problems. In concert with community desires, the police function was expanded from that of law enforcement to one encompassing crime prevention, fear reduction, and order maintenance.

As an adjunct to problem solving and proactive policing, the related theory of "Problem Oriented Policing" (POP) emerged. Researchers proposing POP diverged slightly from the insistence on community involvement in problem solving. They directed the police to focus on the ends (results) over the means (administrative procedures) and placed the onus of problem solving on the police themselves.<sup>26</sup> Scholar Herbert Goldstein observed the phenomenon of call clustering (multiple police calls to the same locality) and named these clusters "problems." He went on to challenge the police to identify and resolve the root causes of these problems.<sup>27</sup> POP advocates did not preclude citizen involvement in problem identification and resolution. They did, however, place the responsibility for Scanning, Analyzing, Responding, and

Assessing (the SARA process – instituted by the Newport News, VA Police Department<sup>28</sup>) to identify and resolve problems primarily on the police.

Even though community policing was introduced as a philosophy to be spread throughout agencies' rank and file officers, operational implementation proved problematic. The previous era's marketing of the 9-11 system and the implied "you call, we come" paradigm did not go away. Agencies still had to staff adequate patrol units to respond to calls for service. Many departments attempted to create dedicated community policing units within their organizational structure, assigning police officers on a geographic basis to provide a useful thread of continuity in grass roots problem solving. However, having parallel patrol and community policing units not only caused internal organization friction between responders and community officers, it was fiscally untenable. For example, in the early 1990s Portland, Oregon determined it needed 200 police officers in addition to the 750 on the payrolls in order to fully implement its community policing strategy.<sup>29</sup> Even though the Public Safety Partnership and Community Policing Act of 1994 provided nearly \$7.5 billion in Federal funds for local community policing initiatives (including funding for 100,000 community policing officers nationwide),<sup>30</sup> most cities could not afford to fully staff community policing units.

The first phase of the modern era was a significant advance for local agency policing with respect to its ability to wage the fight on terror today. By the early 1990s, the community policing philosophy had taken root and the police/citizen separation of the professional era had been reversed. Police officers were encouraged to use their discretion and solve problems at the lowest level possible. As opposed to the previous professional era, police officers of the community policing and problem solving era were instilled with the ethic of initiative and pro-activity. These concepts are key enablers in allowing local police officers to discover terrorists in the midst of their communities.

Nevertheless, as the community policing/problem solving era moved into the early 1990s, agencies were challenged to maintain the closer links they had forged with their communities while simultaneously combating three pervasive realities. Sharp increases in violent crime occurred in large cities as a result of the crack cocaine epidemic. Citizen demand continued for rapid response phone-based service. Finally, shrinking municipal tax bases precluded sufficient funding for fully staffed community policing units (in addition to 9-11 patrol forces) within departments. By the mid-1990s these factors gave impetus to the development of strategic management initiatives that empowered police management to plan and execute in the resourced-constrained environment of the modern police world.

## THE MODERN ERA, PHASE II: COMPSTAT

In 1994, under the leadership of Commissioner William Bratton, the New York City Police Department (NYPD) implemented a new system to manage police priorities. This system leveraged the lessons of community/problem-oriented policing yet was tailored for execution in the resource constrained environment of municipal policing. Bratton accepted the challenge of proving that police can have a positive impact on the reduction of serious crime.<sup>31</sup> He dealt with this challenge using a two-pronged approach. First, he made the 'Broken Windows' concept a performance oriented reality - NYPD street officers were empowered to proactively control minor public offenses for the purpose of maintaining public order. Secondly, and more controversially, Bratton helped reduce crime by implementing a system called Compstat (short for computer statistics) that gave police management the tools it needed "to think and act strategically."<sup>32</sup>

The Compstat process has been described as "strategic problem solving" since the procedure is directed at enabling police departments in general, and mid-level police managers in particular, to grasp the larger perspective of problem solving in an ambiguous and uncertain policing environment.<sup>33</sup> Initiated in 1994, Compstat consisted of a computer enabled, statistically-based information system that used crime data as inputs and provided as outputs crime locations and trends. NYPD's Compstat system borrowed its structure from proven strategic management theories of the 1980s and 1990s that had been successfully implemented in the private sector. The principals of these theories included: clarifying agency mission and focusing on clear objectives; prioritizing operational over administrative objectives; clarifying managerial responsibility and accountability; gaining proficiency in environmental scanning to facilitate early problem identification and problem solving strategies; increasing organizational agility to apply optimal problem solving strategies; and evaluating the effectiveness of implemented strategies based on empirical data.<sup>34</sup>

The NYPD Compstat process may be summarized in a simple series of steps. Firstly, using crime data and incident reports, data specialists input timely and accurate information about crimes into a consolidated geographical mapping software program. Secondly, crime analysts process the outputs from the software programs, deduce crime trends/problem areas, and provide the synthesized results to NYPD precinct police managers. Thirdly, police executives (police commissioner, deputy commissioners, and the police chief) task each of the 76 NYDP precinct managers (covering geographic districts of approximately 100,000 citizens) to devise problem solving strategies for their identified problems. Finally, in a meeting forum,

these police executives hold precinct managers accountable for the effectiveness of their problem solving strategies.

The essence of the Compstat process lay in its mechanisms of responsibility and accountability at the precinct level. Rather than retaining central control over the planning and resourcing functions, the responsibility for determining the ways and means of crime related problem solving was pushed down to the level of police management defined by a geographic territory. Gone were the days when NYPD headquarters maintained tight central control of investigative, street level narcotics enforcement, and traffic control units. Now, precinct or district police managers were held accountable for achieving crime reduction objectives. They were also given command of the resources necessary to execute their problem solving strategies.<sup>35</sup>

The success of Compstat in reducing major crime seems impressive. Many experts credit the implementation of Compstat with the record crime reductions experienced in New York City (between 1990 and 1998, the following declines in crime were recorded: murders down by over 70%, robberies down by over 60%, total violent offenses down by over 50%, and property crime down by over 60%).<sup>36</sup> Others cite a variety of other factors besides Compstat that may have contributed to the crime decrease, ranging from the decline of crack cocaine use to the implication that NYPD was less than forthright in its reported crime data.<sup>37</sup>

Academic research clearly points to the constructive effect that Compstat had on police middle management (precinct and district managers) – forcing them into the effort to reduce crime.<sup>38</sup> NYDP precinct captains had to become intimately familiar with their crime trends and the police resources available to address identified problems. Furthermore, these managers had to develop timely plans for solving these problems using the intellectual power and experience resident in their subordinates. Like street officers who feel the pressure to solve problems inherent in typical daily interactions with the public, and police administrators (chiefs and commissions) whose performance is constantly under scrutiny, NYPD middle managers also felt a spotlight on their performance.

Since its widely reported implementation in New York City, variations of Compstat have spread throughout the country. A study conducted by David Weisburd in 2004 showed that of all U.S. police agencies with 100 or more sworn officers, 32.6% claimed to had instituted Compstat and 25.6% said they intended to do so in the near future.<sup>39</sup> This report went on to state that based on technology saturation models, it is estimated that 90% of all American police departments will have a Compstat-type system in place by 2007.<sup>40</sup>

Some experts point to the implementation and success of Compstat as a challenge to the bottom-up, grass roots methods of problem solving espoused by community policing. This view loses sight of the overall manner in which district and precinct managers develop strategies for solving problems identified at Compstat meetings. Ultimately, police officers will continue to work closely with their respective communities to brainstorm solutions and seek a mandate of legitimacy for the tactics and techniques that will be used to implement those solutions. Most local agencies have learned that without a “political warrant” from the community for proactive police action, the local police agencies risk alienating their support base.<sup>41</sup>

Like the first phase of the modern era, the second phase resulted in the development key competencies that can enable local police agencies to prevent terrorism. Modern police have taken the ethos of using technology to a state-of-the-art level. Local police officers across the country are comfortable and proficient with computer technology. They use Mobile Data Computers (MDT) in their police cars and station houses with a high degree of proficiency – not only to access databases in order to conduct checks on subjects but also to file their police reports. This real-time data generation feeds Compstat systems and makes it a performance reality. The same skills will be necessary to share timely terrorist-related information. Compstat has also formed a new cultural paradigm among police middle managers – establishing accountability for crimes that occur in a manager’s geographic area of responsibility. Armed with this new mindset, police middle management is better positioned not only to establish and gather metrics that may indicate potential building blocks to a terrorist attack in their district, but also to ensure that timely and accurate terrorism-related information flows efficiently to the street officers who are on the front line of homeland defense.

At the conclusion of this section on the evolution of American local policing, we see today’s local police core competencies and characteristics as follows: from the political era, close ties to the community; from the professional era, appreciation for professional standards of performance, training, and use of technology; from the modern era, community policing, proactive problem solving, and strategic planning on the part of middle management. Honed by the collective experience of over 170 years, these are the qualities that local police currently use to fight traditional crimes in their cities and counties with remarkable levels of success: violent crime rates across the U.S. have dropped 33.4% over the past 10 years.<sup>42</sup> Fortunately, these competencies also provide a solid foundation for local police agencies as they confront terrorism in their communities.

## **LOCAL POLICING'S NEW ROLE – COMBATING TERRORISM ON THE 5 YARD LINE**

In the long continuum of American local policing history the issue of combating domestic terrorism – particularly terrorism that involves the use of Weapons of Mass Destruction (WMD) - is a relatively new one. It was only in 1986 that then-Vice President George H. Bush issued a report in which the potential for attacks using WMD on U.S. persons and attacks on U.S. critical infrastructure was first mentioned.<sup>43</sup> This report served as a warning order to local agencies that they would serve several important functions in dealing with such incidents. Those functions can be disaggregated into actions before, during, and after a terrorist act.<sup>44</sup>

Before terrorist attacks, local police perform several crucial tasks. They conduct in-depth planning and coordination with federal, state, and other local agencies in order to support the overall incident response plan. The police also conduct risk assessments of their jurisdictions to gauge their vulnerability terrorist attack. They do so by evaluating critical infrastructure vulnerability as well as by gathering information on segments of their communities that may harbor or support potential terrorists. Finally, local agencies can play a critical role before an attack by preventing the attack from occurring in the first place through information sharing to provide early warning and possibly by means of detention and arrest.

During a terrorist attack, local police are critical to mitigating the attack's destructive effects. As the likely first responders to the scene of any attack, they conduct initial assessments and coordinate immediate evacuation and rescue efforts. As incident command takes hold, police coordinate the ingress of enablers such as special rescue teams, decontamination units, and public works teams.

Following a terrorist attack the local police mission turns primarily towards public safety and order maintenance. Locations of terrorist attacks are crime scenes and police must preserve the evidence and either conduct or assist in the post-incident criminal investigation. They also maintain order not only by stopping looting, but also by preventing a backlash in the form of vigilantism against persons who may be of the same ethnicity as terrorist suspects who are identified. Finally, local police can even be effective in supporting post-attack investigations and arrests – Oklahoma City bomber Timothy McVeigh was arrested by a highway patrol officer.

Of all the roles that local police play with respect to terrorist attacks, the most important is that of preventing acts of terrorism from occurring. The challenge for today's local police is to effectively leverage their core competencies in support of this effort. They can do so in several ways.

Local police use their community policing orientation to help prevent terrorist attacks within their jurisdictions. Most city and county agencies today have geographically assigned

community policing officers who maintain close and ongoing contact with their citizens. Statistics show that as of 2000, 66% of municipal police departments and 62% of sheriffs departments had sworn officers engaged in community policing activities.<sup>45</sup> Community policing officers can provide in-depth analyses of critical infrastructure within their geographic area of responsibility to determine possible risk to terrorist attack. By virtue of their close association with the community, these police officers are also in an excellent position to obtain information on potential terrorists either by personal observation or from citizen informants.<sup>46</sup> To the extent that community policing practices engender trust between local police and marginalized sectors of their community (particularly Muslim or Middle East populations), local police can obtain critical information that may provide early warning of future domestic terrorist attacks.<sup>47</sup>

Possessing an organizational characteristic that mandates problem solving at all levels, local police can prevent terrorism in areas under their purview. Opportunities abound for police officers to "scan, analyze, respond and assess." Using this methodology can be useful in providing early warning of impending attacks. For instance, armed with knowledge of the methods by which terrorist conduct pre-attack surveillance of target areas, police officers can identify potential terrorist targets in their geographic area of responsibility and determine locations from which terrorists might conduct reconnaissance. With this information, officers can formulate a plan to observe these locations using a variety of assets (e.g. police patrols, citizen groups, cameras, private security). Finally, police may conduct periodic review and assessment of their preventive action plan to ensure their ongoing success.

The local police culture of proactivity down to the street level is vital to preventing terrorist attacks. Police acquire immense amounts of information during the countless traffic and pedestrian stops that they conduct daily. While detaining persons for traffic infractions, police are able to submit names to screening through the National Crime Information Center's (NCIC) database system via their Mobile Data Terminals (MDT). NCIC is a computerized index of documented criminal justice records whose 19 databases include the Violent Gang and Terrorist Organization File (VGTOF). If a stopped person is identified as a potential terrorist on VGTOF, police officers may be able to affect an arrest or detention thus interrupting that terrorist's plans.

Finally, today's local police agencies have the potential to leverage their strategic management methodologies to help prevent terrorist attacks. As previously discussed, the predominant trend in policing is for geographic police managers to be responsible for supporting the objectives of their police agencies. Enabled by timely and accurate crime and internal information and the use of computer based statistical tools, precinct captains are becoming adept at identifying crime hot spots and using their resources to address problems before they

spin out of control. Use of computer mapping, link analysis, and data mining are increasingly becoming the standard operating procedure in mid to larger size local agencies across the country. As of 2004, for local agencies with over 100 sworn officers, 58% of departments either had implemented or planned to implement Compstat-type programs.<sup>48</sup>

Even though most managers presently use Compstat programs to control crime based on establishing patterns of past crimes (that is, several crimes must have occurred in order to establish a pattern), police managers in the future may use metrics related to counterterrorism tactics to support the prevention of terrorist attacks. For example, one metric might be the number of undocumented persons of Middle Eastern descent contacted by local police in close proximity to identified pieces of critical infrastructure. Should a trend emerge indicating a possible prelude to a terrorist attack, police managers can increase patrols around the identified infrastructure in order to put local police in a strategic position to possibly foil that attack either because of increased police visibility or through detention or arrest, if possible.

An issue that lies beyond the scope of this paper is what role domestic law enforcement – at any level of government - has with respect to preempting a terrorist attack. The U.S. Constitution and a myriad of federal, state, and local laws limit the powers of police to stop a terrorist from initiating an attack on U.S. soil before that terrorist has committed a crime. Police - including the FBI - are constrained in that they may only contact (a consensual interaction in which the person contacted is free to leave), detain (based on reasonable suspicion that the detainee is involved in a crime) or arrest (based on probable cause that the arrestee has committed a crime) persons. Certainly there is nothing inherently wrong with the police stopping a terrorist attack by arresting a terrorist for an unrelated crime (like drug possession). However the concept of terrorist preemption implies a 'seizure' of that terrorist in advance of a criminal predicate. The issue of how to preempt a terrorist on U.S. soil in advance of criminal activity is a matter for further investigation involving the law enforcement, military, and homeland security communities.

#### **THE MISSING LINK: TERRORIST-RELATED INFORMATION AND INTELLIGENCE AT THE LOCAL LEVEL**

In order to fully leverage local policing core competencies to stop a terrorist attack – particularly those competencies relating to information technology - local police need terrorist-related information and intelligence. Information may be defined as "facts, data, or instructions in any medium or form,"<sup>49</sup> while a definition for intelligence is "the product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information."<sup>50</sup> Certainly the need for better information sharing is the constant refrain of post-

9/11 after action reviews. The terrorist-related information sharing shortfall across federal agencies has been well documented in GAO reports<sup>51</sup> and the 9/11 Commission Report. Due to the lack of information sharing in the months leading up to the attacks, investigators concluded that federal law enforcement lost the opportunity to foil the hijackers' plot.

One aspect of information sharing involves the push of terrorist intelligence from the federal level down to the city and county levels as these local agencies become part of the early warning system for domestic terrorism. In a February 2003 speech at FBI headquarters, President George Bush provided the following vision on the use of information: "All across the country we'll be able to tie our [Federal] information to local information banks so that the front line of terror becomes activated and real, and those are the local law enforcement officials."<sup>52</sup> Local police officers become fully activated when they routinely possess key intelligence that they can use to prevent terrorist attacks. This intelligence can come either from international or national sources. Obviously, if a police officer conducts a traffic stop on a person who has been identified by federal intelligence sources to be in the country for the purposes of conducting a terrorist attack, the police officer can prevent the attack through the detention or arrest of this person (naturally in accordance with FBI guidelines). Similarly, if a patrolman is aware of the methodologies or modes of surveillance typically used by certain terrorist groups prior to an attack, that officer can be alert to such methods around key infrastructure on his patrol beat and provide any derived information to the appropriate authorities.

In addition to being consumers of terrorist-related intelligence, local police are also producers of terrorist-related information. Information that police produce in the form of traffic tickets as well as field interviews and crime reports comprises the raw data that, once systematically analyzed, can provide counterterrorism intelligence. For example, police reports from one county might reveal burglaries of fertilizer and dynamite. At the same time police in a neighboring county may have also issued traffic tickets to persons with known terrorist affiliations. If a higher level agency with responsibility for intelligence processing has visibility of these pieces of information, then that agency may be able to produce intelligence indicating the increased likelihood of a terrorist bombing attack. This methodology of linking disparate information to reveal impending acts of terrorism has been described by the 9/11 Commission Report as "connecting the dots".<sup>53</sup>

Successful realization of the scenario just described – one in which police related information about behavior that in itself is not suspicious but in aggregate paints a picture of a potential terrorist attack possibilities – is predicated on three conditions. Firstly, there must be a mechanism for collating the information derived across various geographic regions. Secondly,

some entity must analyze that information to produce useful intelligence. Finally, there must be a system for getting the intelligence back out to the field.

The local-federal interface issues, particularly on intelligence, are critical to the success of local police agency counterterrorism efforts. The next section of this paper explores the two basic approaches to information sharing and intelligence analysis in the law enforcement sector that have been discussed by experts since the 9/11 attacks. The first - the Joint Terrorism Task Force system - has been in existence since 1980. The second - the National Criminal Intelligence Plan – was introduced in 2004. Although these two approaches are by no means mutually exclusive and neither is meant to replace the other, both offer significant benefits in exploiting local police agencies' core competencies.

### **THE JOINT TERRORISM TASK FORCE SYSTEM**

Joint Terrorism Task Forces (JTTF) are FBI-led teams spread throughout the country that consist of federal, state, and local law enforcement officers who work together to prevent acts of terrorism and to investigate terrorist-related crimes. The FBI considers JTTFs "important force multipliers in the war on terror, pooling multi-agency expertise and ensuring the timely collection and sharing of intelligence absolutely critical to prevention efforts."<sup>54</sup> JTTFs are teams that form just one part of the JTTF system – a program that connects a family of federal law enforcement and intelligence organizations to state and local police agencies across the nation, and facilitates coordination in both horizontal and vertical manners.

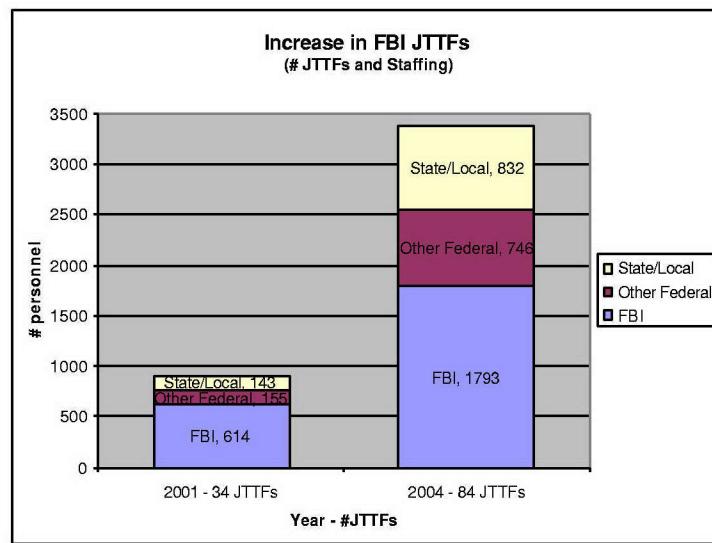
### **HISTORY**

The FBI has made concerted efforts to work closely with local police agencies using the 'Task Force' methodology for over two decades. In response to numerous bank robberies in the New York City area in 1979, the FBI and the NYPD formed a task force to address this major crime problem.<sup>55</sup> These two agencies forged strong worked relationships, coordinated and synchronized their investigative efforts, and leveraged their respective federal and local capabilities. Prior to this robbery task force, the FBI would periodically join with local agencies in an ad hoc fashion to solve individual cases.<sup>56</sup> By keeping the robbery task force together for an extended period of time to work a series of cases, the FBI found that they developed synergies with NYDP beyond those realized from short term, ad hoc arrangements.

The FBI applied the lessons learned from the robbery task force to help support their counterterrorism mission. Due to increases in terrorist bombings at the time, the FBI formed the first Joint Terrorism Task Force (JTTF) in the New York City Field Office in May, 1980 with 11 FBI agents and 11 NYPD officers.<sup>57</sup> With the mission of investigating domestic and international

terrorism cases, this JTTF consisted of not only FBI and NYPD investigators, but also a cross-section of other Federal agencies (such as the Bureau of Alcohol, Tobacco, Firearms, and Explosive and the Drug Enforcement Agency) that could assist in such cases. The numbers of JTTFs expanded throughout the 1980s and 1990s as incidents such as the 1993 World Trade Center bombing, the 1995 Oklahoma City Federal Building bombing, and the rise to prominence of Osama Bin Laden's fundamentalist Islamic terrorist network highlighted the growing domestic terrorist threat. By September 2001, the number of JTTFs had grown to 34.<sup>58</sup>

Already acknowledged as the cornerstone of counterterrorism investigations, the JTTF program expanded dramatically after 9/11. Following FBI Director Robert Mueller's reordering of FBI missions - making "Protect the U.S. from terrorist attack" the top priority (May 2002)<sup>59</sup> – the number of JTTFs increased to today's total of 84 (see Figure 1 below).<sup>60</sup>



Source: *The FBI's Counterterrorism Program Since September 2001*

FIGURE 1<sup>61</sup>

Beyond the 56 JTTFs co-located in the FBI field offices, the FBI has established 10 stand-alone JTTFs in its largest resident cities as well as an additional 18 field office-sponsored JTTF annexes to support the consolidation of small to medium sized resident agencies.<sup>62</sup> As a further coordination mechanism, the FBI has established 'Executive Boards' in each of its field offices in order to facilitate the exchange of information between the FBI and police executives whose agencies are active participants in the JTTF program.<sup>63</sup>

## STRUCTURE

All FBI-sponsored JTTFs are headed up by a supervisory Special Agent and consist of a core group of FBI agents as well as a cross section of other federal, state, and local agency representatives. The FBI cites the following participants as critical for representation in JTTFs: local police department where JTTF office located; county sheriffs if JTTF office is surrounded by large counties; state police or highway patrol; the Bureau of Alcohol, Tobacco, and Firearms; and the Bureau of Immigration and Customs Enforcement.<sup>64</sup> Member agencies participating in JTTFs are required to sign and comply with memorandums of agreements (MOU), although there is no standardization across JTTFs with respect to MOU specifics. Finally, the FBI supports those local agencies participating in JTTFs by providing funding for overtime, vehicles, communications, etc.<sup>65</sup>

Given the expansion of the JTTF program, and in order to facilitate unity of effort and support, the FBI created the National JTTF (NJTTF) in July of 2002. Located in the FBI's Washington, D.C. headquarters within its Strategic Information and Operations Center, the NJTTF's mission is to:

enhance communications, coordination and cooperation between federal, state, and local government agencies representing the intelligence, law enforcement, defense, diplomatic, public safety, and homeland security community by providing a point of fusion for the sharing of terrorism intelligence and by acting as a "hub" of support for the JTTFs throughout the United States.<sup>66</sup>

Recognizing the traditionally autonomous nature of FBI field offices, the FBI considers the NJTTF to be a coordination and customer service center rather than a command and control headquarters.<sup>67</sup> Today the NJTTF includes 38 participating Federal agencies.<sup>68</sup>

A critical element in the JTTF system is a number of supporting mechanisms that form a superstructure of information synthesis and intelligence processing for the JTTFs. These mechanisms not only perform a counterterrorism intelligence analysis function but are also equipped with networking capabilities that permit information flow down to the local police agencies level. The mechanisms include the Foreign Terrorist Tracking Task Force, the Terrorist Threat Integration Center, the Terrorist Screening Center, National Crime Information Center, and the Law Enforcement Online virtual network. A brief description of each of these resources is warranted.

The FBI's counterterrorism responsibilities and resources were expanded when on 6 August 2002, the Attorney General gave it control of the Foreign Terrorist Tracking Task Force (FTTTF). The FTTTF is a multi-agency effort consisting of the Department of Defense (DOD),

the Department of Homeland Security (DHS), the Department of State (DOS), the Social Security Administration, the Office of Personnel Management, the Department of Energy, and the Central Intelligence Agency (CIA). Established as part of Homeland Security Presidential Directive 2 in October 2001, the FTTTF's mission is to provide information in order to prevent foreign terrorists from entering the country and to locate, detain, and arrest or deport them if they are successful in gaining entry into the U.S.<sup>69</sup>

The FBI is also one of five Federal agencies that stood up the Terrorist Threat Integration Center (TTIC) in May 2003. This multi-agency venture is a joint operation that also includes the CIA, DHS, DOD, and DOS. The TTIC's mission is to form a comprehensive terrorist threat picture based on both domestic and international intelligence.<sup>70</sup> As opposed to performing an intelligence collection role, the TTIC is rather a consumer of intelligence. With a view to facilitating information sharing across Federal agency lines, the TTIC's job is to both set requirements and task other Federal agencies in the area of shared databases.<sup>71</sup>

In December 2003 the FBI helped establish the Terrorist Screening Center (TSC). The TSC is a multi-agency center that is staffed around the clock and functions as a single coordination point for terrorist screening data. The TSC provides a coordinated response to contacts between law enforcement agencies and possible terrorists. The TSC consolidates the names of all known or suspected terrorists and places them into the Terrorist Screening Database (TSDB) and transmits this information down to the street police officer level.<sup>72</sup>

Identifying information from the TSDB reaches local agencies via the FBI's National Crime Information Center (NCIC) database which contains a file called the Violent Gang and Terrorist Organization File (VGTOF). In those states that participate in the VGTOF file system as part of the NCIC database, when a police officer runs a computer check on a detained person who has been entered into the system as a terrorist, the VGTOF file will provide appropriate instructions on handling this individual in one of four ways (arrest, detain, question, identify – in all cases contact the TSC for further instructions).<sup>73</sup>

Finally, the FBI has made a significant effort towards facilitating information flow within the law enforcement community by establishing a virtual private network called Law Enforcement Online (LEO). LEO is an internet-based system that is designed to be the primary information sharing conduit to law enforcement agencies across the country. Information on LEO is encrypted and is provided on a "law enforcement sensitive"<sup>74</sup> basis to participating police agencies as well as individual officers. The FBI also transmits its weekly FBI Intelligence Bulletins and Quarterly Terrorist Threat Assessments via LEO.<sup>75</sup> As a further enhancement, the FBI has interfaced LEO with both the National Law Enforcement Telecommunications System

(NLETS) and the Regional Information Sharing Systems Network (RISS). NLETS is an information sharing network that links law enforcement and justice agencies at all levels while RISS offers policing agencies with database pointer systems, investigative leads bulletin boards, and encrypted email. Connecting LEO, NLETS, and RISS significantly enhances information and intelligence sharing among the entire police community.<sup>76</sup>

#### ADVANTAGES AND DISADVANTAGES OF THE JTTF SYSTEM

The JTTF system has four distinct advantages. One is that the system is in place and functioning. The JTTF system possesses an impressive infrastructure that now provides the basis for geographic coverage of the entire homeland. Another is that the JTTF system fosters a unity of effort and focus. Although a JTTF will use all investigative and prosecutorial tools at its legal disposal (laws related to illegal firearms, financing, narcotics, etc.) it does so for the express purpose of stopping acts of terrorism within the U.S. In addition, the JTTF system has thus far proved effective. Since 9/11 there have been no terrorist attacks on U.S. soil. The FBI's JTTFs have either foiled attacks or initiated prosecutions on terrorists (both domestic and international) on nine notable occasions.<sup>77</sup> Finally, over the past 24 years the FBI has developed effective counterterrorism procedures as well as productive working relationships within JTTFs across the country. More so than any other Federal agency, the FBI can be considered a veteran of the counterterrorism fight – an agency that has evolved its practices to meet the top priorities in the War on Terror.

From the standpoint of disadvantages, there are several that are significant. Firstly, the JTTF system remains challenged by a lack of staffing from local agencies. With approximately 15,736 local agencies and only 832 local agency representatives on the JTTFs nationwide, that equates to only a 5% representation rate. Also, FBI officials cite part time participation on the part of local agencies as a source of internal friction on some JTTFs.<sup>78</sup> Apparently teamwork on these JTTFs is eroded when local administrators compel their representatives to divide their time between JTTF participation and local department duties.

Secondly, security clearances have proven to be an impediment to the dissemination of intelligence. Local agency officers on JTTFs must possess a national security top secret clearance. As a result, the officers sometimes possess classified information that they may not share with their own police chief or sheriff since these chief executives often have only a secret clearance at best. Executives are frustrated at the excessive time it takes from them to obtain clearances (45 days for a secret and up to 9 months for a top secret clearance).<sup>79</sup>

Finally, although the FBI is making earnest efforts to counter history, most law enforcement officers will agree that long standing animosities exist between local police and their FBI counterparts. Historical disagreements between FBI agents and local police over jurisdictional boundaries - turf wars - are legendary. Even though this clash of cultures eventually breaks down after agents and officers work together over time on JTTFs, the long standing "us versus them" mentality can cause organizational friction.

#### IMPLICATIONS

The absence of a post 9/11 terrorist attack should not be misinterpreted as an indication that the FBI does not need local police agencies in the domestic counterterrorist fight. Unfortunately, most experts agree that it is probably not a question if, but when the next major terrorist incident will occur. The FBI's JTTF system provides the link that local law enforcement is missing – the infrastructure to conduct intelligence analysis and to share information across jurisdictional boundaries. Similarly, local policing provides the FBI the capabilities that they lack – a closeness to local communities and the ability to gather grass-roots information that federal law enforcement officers will never have. As partners in defending the homeland, the FBI and local police agencies each offer specialized qualifications and resources that provide for synergies in counterterrorism. Therefore, the key to future success rests on enhancing the unique skills that each possess and engineering optimal levels of interoperability.

#### THE NATIONAL CRIMINAL INTELLIGENCE SHARING PLAN

The National Criminal Intelligence Sharing Plan (NCISP) is another set of ideas related to enhancing the role of local police agencies in the domestic counterterrorism effort. The NCISP is focused on capacity-building within local law enforcement and is therefore not meant as a substitute for the JTTF system. As the culmination of local law enforcement agencies' response to the post 9/11 challenge, the NCISP's call for revolutionary change in local law enforcement operational thinking bears evaluation in light of local police agencies' evolutionary history and resultant core competencies.

#### HISTORY

Just as the Federal Executive and Legislative branches of the government conducted evaluations of lessons learned for the 9/11 attacks so as to prevent their reoccurrence in the future, so did state and local agencies. Energized by the executive branch's initial public announcements of its intention to create a cabinet-level Department of Homeland Security and President Bush's suggestion that intelligence be shared down to state and local levels,<sup>80</sup> the

International Association of Chiefs of Police (IACP) met in March 2002 to explore their own intelligence sharing initiatives. Entitled the *Criminal Intelligence Sharing Summit*, this IACP meeting included law enforcement executives and intelligence experts from across the U.S. It is notable that an underlying assumption of the summit was that law enforcement's mission in protecting the homeland included not only protection against acts of terrorism, but also against any criminal acts that threaten the American public.<sup>81</sup> By expanding the call for improved intelligence beyond that of terrorism prevention to encompass all criminal activity, the IACP summit set a very high bar for the scope of its recommendations.

The core recommendations from the IACP Criminal Intelligence Sharing Report included: using criminal intelligence<sup>82</sup> to guide police operations (intelligence-led policing); implementing training to instill the new culture of intelligence-led policing; providing a critical counterbalance of civil rights when performing the intelligence function; fixing local agency intelligence function deficiencies; reducing communications barriers and building trust between agencies; improving flow of basic terrorist-related information down to the local agency level; and remedying the disaggregated information management systems that currently support intelligence sharing.<sup>83</sup> The summit participants concluded with a call for the formation of a national criminal intelligence council to create and oversee a national criminal intelligence plan.

Based on these IACP recommendations and funded by the Department of Justice, the Global Intelligence Working Group (GIWG) was formed in December 2002 to execute the task of writing the National Criminal Intelligence Sharing Plan. The GIWG identified its mission statement as follows:

To develop, build, and support the creation of the National Criminal Intelligence Sharing Plan, which provides law enforcement agencies with the ability to gather, analyze, protect, and share information and intelligence to identify, investigate, prevent, deter, and defeat criminal and terrorist activities, both domestically and internationally, as well as protect the security of our homeland and preserve the rights and freedoms of all Americans.<sup>84</sup>

Seeking input from major cities' chiefs and sheriffs, heads of state-level law enforcement agencies, and various law enforcement intelligence organizations, the GIWG published the final *National Criminal Intelligence Sharing Plan* in April 2004.

#### NCISP RECOMMENDATIONS

The NCISP is a comprehensive plan that calls for a transformation within the local law enforcement community. It challenges every local policing agency to develop an intelligence

function in order to “protect the American public against terrorism and all other criminal acts that threaten its safety.”<sup>85</sup>

The plan identifies 11 inhibitors to intelligence development and sharing<sup>86</sup> and goes on to provide 28 detailed recommendations for the NCISP’s implementation. These recommendations focus on improving information and intelligence sharing mechanisms (technical means to declassify reports that contain national security classified material), information and intelligence computer systems (initial communications backbone, use of latest protocols for connecting databases to networks, the direction for future architectures), developing standards for intelligence functions within agencies (identifying intelligence personnel, standardizing training, adopting industry standards for intelligence file keeping), and the institutionalization of the NCISP and embodiment of the intelligence-led policing concept.<sup>87</sup>

The intelligence-led policing concept is a thread that runs throughout the NCISP. The authors expressed the desire that “implementation of the Plan will provide the impetus for many law enforcement agencies to institute intelligence-led policing, which will help to substantially increase intelligence development and sharing, ultimately improving public safety.”<sup>88</sup> Even though intelligence-led policing is a relatively new term in the American policing lexicon, the NCISP offers few concrete explanations for how the concept will be implemented. In spite of intelligence-led policing being mentioned a total of 31 times in the plan, the closest one comes to a concrete picture of this new concept is in the NCISP’s stated definition: “the collection and analysis of information to produce an intelligence end product designed to inform police decision makers at both the tactical and strategic levels.”<sup>89</sup> Although not mentioned in the NCISP, the intelligence-led policing concept is not new and in fact is currently in use by police agencies in the United Kingdom and Australia.

The earliest references to intelligence-led policing emerged in Britain in the early 1990s in response to failures of traditional reactive policing methodologies to control crime. The UK National Intelligence Model, as disseminated through its National Criminal Intelligence Service, had fully implemented intelligence-led policing by 2000. The four priorities of the British system included: targeting active criminals through overt and covert means; management of crime and disorder hotspots; investigation of linked series of crime and incidents; and, use of preventive measures, including local partnerships to reduce crime and disorder.<sup>90</sup> Three priorities of the British intelligence-led policing system bear a striking resemblance to the principals of present day American local policing – specifically problem solving, Compstat, community policing. However, the first priority -intelligence gathering on targeted criminals - has been limited in the U.S. by constitutional constraints that do not exist to the same extent in the UK. Although the

full details of the UK's intelligence-led policing program are beyond the scope of this paper, thus far the results of the UK program do not match that of the U.S.'s traditional crime fighting methodologies. While America local police agencies have achieved a significant drop in violent crime over the past 10 years using their modern core competencies, during the same time period violent crime in England and Wales has increased every year except one.<sup>91</sup>

#### ADVANTAGES AND DISADVANTAGES OF THE NCISP

The NCISP has both advantages and disadvantages with respect to its ability to help local police agencies prevent terrorism in this country. The first advantage is that local agencies are more likely to support a methodology in which they can claim pride of ownership. The NCISP represents a grass roots effort by local agencies to do their part in improving systems and practices needed to protect the homeland and hence increases the probability of successful NCISP implementation. In advance of the FBI's resetting of goals and objectives (May 2002) and President Bush's formal proposal to establish the Department of Homeland Security (June 2002), the IACP had begun putting in motion their own concept of the operation for how local agencies would contribute to the mission of protecting America. The IACP's proposal as early as March 2002 to develop and implement a national plan for improving the sharing and information and intelligence across the entire spectrum of the law enforcement community demonstrated commitment and a high degree of initiative.

Secondly, in its numerous recommendations the NCISP provides a detailed roadmap of ways for both local and federal stakeholders to improve the law enforcement community's ability to share information and intelligence. For local agencies, the NCISP supplies a variety of recommendations ranging from the adoption of intelligence function standards to the automation of criminal records. At the federal level, this plan urges infrastructure investments in order to further integrate and connect sensitive but unclassified networks through the country.

From the standpoint of disadvantages, three merit consideration. The first is that the NCISP's principal vision – instituting an intelligence-led policing philosophy not only to prevent terrorist acts but also to remedy traditional crime - suffers from strategic over-reach and a lack of focus. Nothing in the evolution of local policing indicates that "analysis of information to produce an intelligence end product"<sup>92</sup> is a local law enforcement agency core competency. In reality, the ability of local police agencies to construct and implement an effective intelligence infrastructure is beyond the current administrative capabilities of most local police managers. Forcing already overburdened local police agencies to take on the difficult, time consuming, and expensive task of intelligence-led policing could result in performance shortfalls in preventing

both traditional crime and terrorism. This nation's unquestionable focus is first and foremost on stopping homeland terrorist attacks. By calling upon local agencies to develop "intelligence" as a core competency, the NCISP puts at risk the principal goal. In asking local agencies to do too much, the NCISP endangers their ability to thwart catastrophic terror acts right now.

Another disadvantage is that the NCISP's recommendations imply funding issues that may make its implementation partial at best. In spite of U.S. economic strength, the Congress must make difficult decisions on funding of national and homeland security programs. The funding needs articulated within the NCISP are daunting and pose major opportunity costs to Federal and state legislatures. A significant portion of these funding needs are implementation cost and have little to do with improving the information sharing infrastructure. The NCISP contains proposed costs for administration (such as the establishment of a Criminal Intelligence Coordinating Council and implementation of intelligence systems down to the local level)<sup>93</sup>, new training (for items like intelligence-led policing and intelligence units' analysis and file keeping standards)<sup>94</sup>, improved intelligence dissemination techniques (developing improved technical procedures for 'tear-lining' foreign intelligence materials to exclude their methods and sources)<sup>95</sup> and enhanced on-line information networks (the interoperability and expansion of the sensitive but unclassified communications systems)<sup>96</sup>. Given the 'zero-sum game' of the public sector budgets, the NCISP sets conditions whereby funds for improving information sharing networks may be reduced in order to pay for the cost of the NCISP's administration. This is clearly an undesirable outcome.

The last significant disadvantage of the NCISP is its implications for privacy. Unfortunately, the history of domestic law enforcement intelligence collection is a minefield of civil rights violations. Senator Frank Church's U.S. Senate Select Committee to Study Government Operations investigated the FBI's 1956-1971 era domestic counterintelligence gathering program (known as COINTELPRO).<sup>97</sup> The Church Committee concluded that the FBI's practice of investigating and keeping intelligence files on U.S. citizens, not because they could be connected to an illegal activity but because they were involved in politically subversive discourse, was a violation of the "Constitutional right of Americans to free speech, association and privacy."<sup>98</sup> Also during the 1970s, so many Civil Rights suits (Title 42, USC, Section 183 – Civil Action for Deprivation of Civil Rights) were filed against local agency departments for their maintenance of intelligence files on American citizens that many agencies opted to close their intelligence units.<sup>99</sup>

The NCISP's call to invigorate local intelligence units for the purposes of collecting and analyzing criminal intelligence within the bounds of law is admirable in theory, but problematic in

execution. The USA Patriot Act gives intelligence units additional leeway in collecting information against terrorists, but constraints still exist on the collection of information related to traditional forms of criminal activity. Regulation of the FBI's domestic intelligence collection machine is hard enough – oversight of the proposed intelligence activities in over 15,000 local police agencies may prove impossible.

#### **IMPLICATIONS**

Although the NCISP provides numerous useful recommendations to improve the information sharing infrastructure, its central proposal – instituting the intelligence-led policing philosophy and using criminal intelligence to drive local police operations - is a “bridge too far.” The history of American policing shows that developing criminal intelligence is not a local agency core competency. The reality is that only the largest of U.S. city and county policing agencies currently use intelligence sections to perform their missions.<sup>100</sup>

In the U.S., criminal intelligence information may not be gathered on individuals unless a criminal predicate exists – the police must have a reasonable suspicion that the individual is involved in criminal conduct. Local police agencies in the U.S. have historically demonstrated difficulty in adhering to this restriction. Should the NCISP's recommendation to reinvigorate or installing local intelligence functions be implemented, local agencies will inevitably make mistakes as they adopt the concept of intelligence-led policing. These mistakes will probably cause citizen resentment and could threaten the close bonds that local police agencies were able to reestablish with their communities during the modern era.

Even though the FBI has made its fair share of criminal intelligence gathering mistakes in the past, this agency is much better versed in the constitutional restrictions inherent in the intelligence function than its state and local counterparts. This is not surprising since most FBI agents are either attorneys or accountants. Given the agency's history and mission, many would consider the legal and effective use of intelligence to be a core competency for the FBI. Hence, a strong argument can be made for making federal law enforcement (specifically the FBI) the first level at which the criminal intelligence analysis and production function is performed.

#### **RECOMMENDATIONS/CONCLUDING COMMENTS**

##### **REINFORCE SUCCESS - THE JTTF SYSTEM**

The FBI's JTTF System is the best methodology to prevent the next terrorist attack on U.S. soil. The model has been in place for over two decades and it worked even before 9/11. It

works even better now that the FBI has made terrorist prevention, rather than investigation, its JTTF operating mantra.<sup>101</sup> Since 9/11, improvements in the integration of information and intelligence at the Federal level have resulted in a system that allows the names of terrorists to flow from the TTIC all the way down to the MDTs in police officers' police cars and responses to flow back up. Since 9/11, the JTTF organization has almost tripled and now serves as a realistic baseline geographic infrastructure to serve the coordinated Federal/State/Local counterterrorism effort. Reinforcing this infrastructure would be reinforcing a successful model.

#### INSTITUTE PROCEDURES TO STANDARDIZE THE JTTF SYSTEM

Although the JTTF system works, it could be made more effective. Firstly, for the purpose of ensuring unity of command, the NJTTF should be given command authority over the JTTFs. A more formal command structure will allow for the uniform implementation of change while still being able to accommodate variances due to local conditions. Secondly, the FBI in conjunction with the IACP should establish a standard JTTF MOU between JTTFs and participating agencies. All would benefit by identifying and implementing the best existing practices. Thirdly, local officers serving on a JTTF should do so on a full time basis for a minimum of two years (Federal funding will be necessary to facilitate this recommendation). Finally, local agencies with 100 sworn strength or greater should have representation on a JTTF. The FBI should also develop a regional system for including those 75% of law enforcement agencies that have 24 or less sworn officers.<sup>102</sup>

#### MAINTAIN FOCUS – PREVENTION OF TERRORISM

Local police agencies should maintain and hone their strategies for defeating crime but their major innovative energies should be applied to their effective integration into a system that endeavors to foil future terrorist attacks. By almost all measures, traditional forms of crime in the United States are at an all time low. Whether one subscribes to the theory that crime has gone down since the late 1980s due to improved economic conditions or one believes that the application of community policing/ problem solving/order maintenance/strategic management concepts by America's police is the reason for success, ordinary crime is not America's main problem. Stopping the next catastrophic terrorist attack is. Local agencies should make counterterrorism a higher priority.

#### LEVERAGE CURRENT LOCAL AGENCY CORE COMPETENCIES

The Police Industry brings a current set of skills that must be leveraged to prevent terrorist attacks in our communities. First and foremost, today's police are better suited than they have

been for over 100 years to build trusting relationships with their constituencies through the application of community policing and problem solving philosophies. Forming close partnerships with marginalized members of local communities (including Arab and Islamic Americans) will be the best way to obtain valuable information – the key to successful terrorist prevention.<sup>103</sup> Secondly, implementing order maintenance strategies through the aggressive (yet reasoned) enforcement of ‘quality of life’ laws can reduce the conditions which allow terrorists to become invisible within communities. Today’s police officers can exercise sound proactive enforcement of local ordinances in order to instill neighborhood order and reduce fear if they receive support from their local executives. Finally, local police agencies can leverage their newly developed strategic management skills to provide early warnings of, or prevent terrorist attacks. The Compstat method has set the conditions by which police managers now can address emerging problems faster than ever before. By incorporating counterterrorism metrics into their methodology (e.g. # and location of field interviews related to terrorist activity, # and location of hits on VGTOF, # citizen complaints from Islamic dominated neighborhoods, etc.) these managers may be able to identify pre-attack indicators and trends that previously would have escaped their notice.

#### INCREASE FEDERAL FUNDING FOR DOMESTIC COUNTERTERRORISM

Currently, Federal funding to support local police agencies in their domestic counterterrorism mission has been very limited. Federal grants to local agencies, such as those that make up the Law Enforcement Terrorism Prevention Program (LETPP), should be increased substantially. Federal funding for local agencies to counterterrorism is essential in a two primary ways. Preventing terrorism is a new mission that competes with numerous existing priorities in the budgets of local agencies. The Federal government should not risk having local police executives choose not to fund counterterrorism efforts in favor of other local priorities. Secondly, JTTFs’ budgets should be increased to allow for increased local agency participation. Since the FBI pays for participating local agency costs, future increases to the JTTF system will be a continued and increasing funding challenge.

#### STANDARDIZE COUNTERTERRORISM TRAINING CURRICULUM FOR LOCAL AGENCIES

Predictable results demand predictable and consistently implemented training standards. The FBI’s State and Local Anti-Terrorism Training (SLATT) initiative that recently provided train-the-trainer counterterrorism instruction to over 25,000 local officers in the later half of 2003 is a good start.<sup>104</sup> However, implementation of counterterrorism training curriculum at both the recruit and in-service levels must be accomplished by close coordination with key law

enforcement training agencies such as the International Association of Directors of Law Enforcement Standards and Training (IADLEST), the IACP State and Provincial Police Academy Directors Section (SPPADS)<sup>105</sup>, and individual state Police Commissions on Standards and Testing (POST). The curriculum must include training objectives that directly contribute to the individual local police officers' ability to prevent terrorist acts. Topics should include: overview of current domestic and international terrorist groups; building blocks to a terrorist attack; pre-attack indicators; identity documents examination; interview techniques and report writing; information/intelligence flow and computer systems; and, legal implications to information/intelligence sharing.<sup>106</sup>

#### IMPLEMENT NCISP'S TECHNICAL RECOMMENDATIONS RELATED TO INFORMATION SYSTEMS

The NCISP has numerous sound recommendations for improving the flow of information and sharing intelligence including: developing 'tear-line' procedures to share classified reports (#17); instituting automated, incident-based criminal records tracking at the local level (#20); use of Regional Information Sharing Systems (RISS) and the FBI's LEO system to disseminate law enforcement sensitive communications (#21); use of Department of Justice's *Applying Security Practices to Justice Information Sharing*<sup>107</sup> to ensure sound security practices regarding information sharing (#25) and; local agency use of industry standard languages when connecting databases and other resources to communications networks (#26) to name a few. In addition to the NCISP's technical recommendations, Federal legislation should be enacted to force the seven states and one territory that have laws prohibiting the use of FBI's NCIC databases (including VGTOF) for investigative purposes.<sup>108</sup>

#### RECONSIDER THE INTELLIGENCE-LED POLICING CONCEPT

As the history of local agency policing has amply demonstrated, there have been no revolutions in American local policing. Rather, the process by which U.S. police organizations at the city and county level have developed to meet the challenges of societal changes is much more evolutionary in nature. U.S. local agencies adapt through a long process of localized application of emerging techniques over a lengthy period of time. Eventually, if the new techniques and concepts yield successful outcomes then long term implementation is the predictable result. It would take years for the NCISP's recommended intelligence-led policing concept to be implemented in the U.S. and even then it might not be successful in both reducing crime and preventing a terrorist attack. The intelligence-led policing concept may have merit, although its results in the UK are less than impressive. Furthermore, it is a relatively new

concept with no well documented studies of its implementation in this country. The citizens of the U.S. expect local police agencies to do their part to prevent acts of terrorism immediately. We know current American local police agency core competencies work well against traditional crime and may be leveraged to stop domestic terrorism. Intelligence-led policing will have to wait.

WORD COUNT=12,660



## ENDNOTES

<sup>1</sup> "Law Enforcement Statistics," Bureau of Justice Statistics Website; available from <<http://www.ojp.usdoj.gov/bjs/lawenf.htm>>; Internet; accessed 12 December 2004. This number reflects the total number of city police and county sheriffs departments.

<sup>2</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (New York, NY: W.W. Norton and Co., 2004), 427.

<sup>3</sup> For the purposes of this paper, local police agencies are defined as agencies at the municipal (city) local and county levels.

<sup>4</sup> Robert Trojanowicz, Victor K. Kappler, and Larry K. Gaines, *Community Policing: Contemporary Perspective, Third Edition* (Cincinnati, OH: Anderson Publishing, 2002), 43.

<sup>5</sup> George L. Kelling and Mark H. Moore, "The Evolving Strategy of Policing," *Perspectives on Policing*, no. 4 (1988): 1.

<sup>6</sup> V.E. Kappeler, R. Sluder, and G.P. Alpert, *Forces of Deviance: Understanding the Dark Side of Policing, Second Edition* (Prospect Heights, IL: Waveland Press, 1998): 39.

<sup>7</sup> Trojanowicz, 43.

<sup>8</sup> Kelling and Moore, 3.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Athang Theoharis with Tony G. Poveda, Susan Rosefeld, and Richard G. Power, eds., *The FBI: A Comprehensive Reference Guide* (Phoenix, AZ: The Oryz Press, 1999), 11-12.

<sup>12</sup> Ibid., 12.

<sup>13</sup> Trojanowicz, 50-51.

<sup>14</sup> Kelling and Moore, 5.

<sup>15</sup> Ibid., 7.

<sup>16</sup> Ibid., 6.

<sup>17</sup> James J. Willis, Stephen D. Mastrofski, and David Weisburd, "Compstat in Practice: An In-depth Analysis of Three Cities," Report to the National Institute of Justice (Washington, D.C.: Police Foundation, 2003), 1.

<sup>18</sup> David Weisburd, et al., "Reforming to Preserve: Compstat and Strategic Problem Solving in American Policing," *Criminology and Public Policy*, no. 3 (July 2003): 446.

<sup>19</sup> Jack R. Greene, "Community Policing in America: The Nature, Structure, and Function of the Police," in *Criminal Justice 2000, Volume 3, Policies, Processes, and Decisions of the Criminal Justice System* (Washington, D.C.: National Institute of Justice, 2000), 300.

<sup>20</sup> Trojanowicz, 61.

<sup>21</sup> "The Kansas City Preventive Patrol Experiment," *Police Foundation Research Brief*, 1974; 2; available from <<http://www.policefoundation.org/docs/kansas.html>>; Internet; accessed 21 November 2004.

<sup>22</sup> "The Newark Foot Patrol Experiment," *Police Foundation Research Brief*, 1981; 2; available from <<http://www.policefoundation.org/docs/newark.html>>; Internet; accessed 2 December 2004.

<sup>23</sup> James Q. Wilson and George L. Kelling, "Broken Windows," *The Atlantic Monthly Online*, March 1982; 2; available from <<http://www.theatlantic.com/politics/crime.windows.htm>>; Internet; accessed 5 August 2004.

<sup>24</sup> Ibid.

<sup>25</sup> National Research Council, *Fairness and Effectiveness in Policing: The Evidence* (Washington, D.C.: The National Academies Press, 2004), 51.

<sup>26</sup> Herman Goldstein, "Improving Policing: A Problem Oriented Approach," *Crime and Delinquency* 25 (1979): 236.

<sup>27</sup> National Research Council, 92.

<sup>28</sup> National Research Council, 91.

<sup>29</sup> Jeffrey Patterson, "Community Policing: Learning the Lessons of History," *FBI Law Enforcement Bulletin* Vol. 64, Iss.11 (November 1995): 5 [database on-line]; available from ProQuest; accessed 16 November 2004.

<sup>30</sup> U.S. Department of Justice, Bureau of Justice Statistics Special Report, *Community Policing in Local Police Departments, 1997 and 1999* (Washington, D.C.: Bureau of Justice Statistics, February 2001), 3.

<sup>31</sup> George L. Kelling and William H. Sousa, "Do Police Matter? An Analysis of the Impact of New York City's Police Reforms," *Civic Report* No. 22 (New York, NY: Manhattan Institute for Police Research, 2001), 1; David Weisburd, et al., "Reforming to Preserve: Compstat and Strategic Problem Solving in American Policing," *Criminology and Public Policy*, no. 3 (July 2003): 425.

<sup>32</sup> National Research Council, 185.

<sup>33</sup> Weisburd, "Reforming to Preserve: Compstat and Strategic Problem Solving in American Policing," 423.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 428.

<sup>36</sup> Kelling and Sousa, 1.

<sup>37</sup> Ibid., 3.

<sup>38</sup> National Research Council, 187.

<sup>39</sup> David Weisburd, et al., "The Growth of Compstat in American Policing," *Police Foundation Reports*. (Washington: D.C.: Police Foundation, April 2004), 6.

<sup>40</sup> Ibid., 9-10.

<sup>41</sup> National Research Council, 62.

<sup>42</sup> Federal Bureau of Investigation, "Federal Bureau of Investigation Uniform Crime Report, 2003," Federal Bureau of Investigation website; available from <<http://www.fbi.gov/ucr/03cius.htm>>; Internet; accessed 23 January 2005.

<sup>43</sup> Robert M. Blitzer, "Domestic Preemption," in *The Terrorism Threat and U.S. Government Response*, ed. James M. Smith and William C. Thomas (Colorado Springs, CO: USAF Institute for National Security Studies, 2001), 126.

<sup>44</sup> International Association of Chiefs of Police, "Leading From the Front: Law Enforcement's Role in Combating and Preparing for Domestic Terrorism," *IACP Project Response* (Washington, D.C.: IACP, 2001), 4. The idea for discussing local police roles in domestic terrorism comes from this source.

<sup>45</sup> "State and Local Law Enforcement Statistics," Bureau of Justice Statistics Website; available from <<http://www.ojp.usdoj.gov/bjs/sandlle.htm>>; Internet; accessed 12 December 2004.

<sup>46</sup> Matthew C. Scheider and Robert Chapman, "Community Policing and Terrorism," April 2003; available from <<http://www.homelandsecurity.org/journal/articles/scheider-chapman.html>>; Internet; accessed 20 October 2004.

<sup>47</sup> William Lyons, "Partnerships, Information and Public Safety," *Policing*, 25, 3 (2002): 533.

<sup>48</sup> Weisburd, "The Growth of Compstat in American Policing," 6.

<sup>49</sup> U.S. Joint Chiefs of Staff, *DoD Dictionary of Military and Associated Terms*, Joint Pub 1-02 (Washington, D.C.: U.S. Joint Chiefs of Staff, 7 October 2004).

<sup>50</sup> Ibid.

<sup>51</sup> U.S General Accounting Office, *Homeland Security: Efforts to Improve Information Sharing Need to Be Strengthened* (Washington, D.C.: U.S General Accounting Office, August 2003); U.S. General Accounting Office, *9/11 Commission Report: Reorganization, Transformation, and Information Sharing* (Washington, D.C.: U.S. General Accounting Office, August 2004).

<sup>52</sup> George W. Bush, "President Speaks at FBI on New Terrorist Threat Integration Center," White House Website, 14 February 2003; available from <<http://www.whitehouse.gov/news/releases/2003/02/20030214-5.html>>; Internet; accessed 14 December 2004.

<sup>53</sup> National Commission on Terrorist Attacks Upon the United States, 400.

<sup>54</sup> Federal Bureau of Investigation, "Partnerships," Federal Bureau of Investigation website; available from <<http://www.fbi.gov/terrorinfo/counterterrorism/partnership.htm>>; Internet; accessed 28 January 2005.

<sup>55</sup> Robert A. Martin, "The Joint Terrorism Task Force: A Concept that Works," *FBI Law Enforcement Bulletin* vol.68, iss.3 (March 1999): 24.

<sup>56</sup> Ibid.

<sup>57</sup> U.S. Department of Justice, Community Oriented Services, *Protecting Your Community From Terrorism: Strategies For Local Law Enforcement. Volume 1: Local-Federal Partnerships* (Washington, D.C.: Police Executive Research Forum, March 2003), 31.

<sup>58</sup> Federal Bureau of Investigation, *Report to the National Commission on Terrorist Attacks Upon the United States: The FBI's Counter-Terrorism Program Since September 2001* (Washington, D.C.: Department of Justice, 14 April 2004), 38.

<sup>59</sup> CRS Report for Congress, *The FBI: Past, Present, Future* (Washington, D.C.: The Library of Congress, 2 October 2003), 18.

<sup>60</sup> Federal Bureau of Investigation, *Report to the National Commission on Terrorist Attacks Upon the United States: The FBI's Counter-Terrorism Program Since September 2001*, 38.

<sup>61</sup> Ibid.

<sup>62</sup> James Casey, "Managing Joint Terrorism Task Force Resources," *FBI Law Enforcement Bulletin* Vol.73, Iss.11 (November 2004): 2.; FBI field offices can be found at <http://www.fbi.gov/fo/fo.htm>

<sup>63</sup> Federal Bureau of Investigation, *Report to the National Commission on Terrorist Attacks Upon the United States: The FBI's Counter-Terrorism Program Since September 2001*, 38.

<sup>64</sup> Casey, 2-3.

<sup>65</sup> Ibid., 2.

<sup>66</sup> Federal Bureau of Investigation, "National Joint Terrorism Task Force," Microsoft PowerPoint file from FBI Agent Thomas Riggs; sent to me via email on 1 November 2004.

<sup>67</sup> Federal Bureau of Investigation, "Synopsis of NJTTF Mission, Goals, Organization, and Function," Microsoft Word file from FBI Agent Thomas Riggs; sent to me via email on 2 November 2004.

<sup>68</sup> National Commission on Terrorist Attacks Upon the United States, *Statement of John S. Pistole, Executive Assistant Director for Counterterrorism/Counterintelligence, Federal Bureau of Investigation*, 14 April 2004; available from <[http://globalsecurity.org/security/library/congress/9-11\\_commission/040414-pistole.pdf](http://globalsecurity.org/security/library/congress/9-11_commission/040414-pistole.pdf)>; Internet; accessed 29 October 2004.

<sup>69</sup> CRS Report for Congress, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6* (Washington, D.C.: The Library of Congress, 21 April 2004), 10.

<sup>70</sup> National Commission on Terrorist Attacks Upon the United States, *Statement of John S. Pistole*.

<sup>71</sup> CRS Report for Congress, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6*, 13.

<sup>72</sup> U.S. Congress. House of Representatives, House Committee on Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations, *Statement of Donna A. Bucella, Director, Terrorist Screening Center*, 13 July 2004; available from <<http://www.fbi.gov/congress/congress04/bucella071304.htm>>; Internet; accessed 3 November 2004.

<sup>73</sup> Federal Bureau of Investigation, *Violent Gang and Terrorist Organization File*, Pamphlet (Washington, D.C.: FBI, 2004).

<sup>74</sup> The FBI uses this term, which is equivalent to the State Department's "sensitive but unclassified" and the Department of Homeland Security's "for official use only."

<sup>75</sup> National Commission on Terrorist Attacks Upon the United States, *Statement of John S. Pistole*.

<sup>76</sup> Federal Bureau of Investigation, *Report to the National Commission on Terrorist Attacks Upon the United States: The FBI's Counter-Terrorism Program Since September 2001*, 40-41.

<sup>77</sup> National Commission on Terrorist Attacks Upon the United States, *Statement of John S. Pistole*.

<sup>78</sup> Casey, 3.

<sup>79</sup> U.S. Department of Justice, Community Oriented Services, *Protecting Your Community From Terrorism: Strategies For Local Law Enforcement. Volume 1: Local-Federal Partnerships*, 24.

<sup>80</sup> George W. Bush, *The Department of Homeland Security* (Washington, D.C.: The White House, June 2002), 16.

<sup>81</sup> International Association of Chiefs of Police, *IACP Criminal Intelligence Sharing Report* (Washington, D.C.: IACP, August 2002), 1.

<sup>82</sup> International Association of Chiefs of Police National Law Enforcement Policy Center, "Criminal Intelligence: Concepts and Issues Paper," (Alexandria, VA: IACP, October 1998), 3. Criminal intelligence is defined here as "information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity."

<sup>83</sup> International Association of Chiefs of Police, 12-16.

<sup>84</sup> U.S. Department of Justice, Office of Justice Programs, "Missions and Challenges," available from <[http://it.ojp.gov/topic.jsp?topic\\_id=104](http://it.ojp.gov/topic.jsp?topic_id=104)>; Internet; accessed 17 December 2004.

<sup>85</sup> International Association of Chiefs of Police, *IACP Criminal Intelligence Sharing Report* (Washington, D.C.: IACP, August 2002), 1.

<sup>86</sup> U.S. Department of Justice, *The National Criminal Intelligence Sharing Plan* (Washington, D.C.: U.S. Department of Justice, April 2004), 4-10.

<sup>87</sup> Ibid., 10-25.

<sup>88</sup> Ibid., 4.

<sup>89</sup> Ibid., 3-4.

<sup>90</sup> Jerry H. Ratcliffe, "Intelligence-Led Policing," *Trends and Issues in Crime and Criminal Justice* (Canberra, Australia: Australian Institute of Criminology, April 2003), 2.

<sup>91</sup> Tricia Dodd, Sian Nicholas, David Povey, and Alison Walker, "Crime in England and Wales 2003/2004," *Home Office Statistic Bulletin*, (London: Home Office, July 2004), 69; available at <<http://www.homeoffice.gov.uk/rds/pdfs04/hosb1004.pdf>>; Internet; accessed 28 January 2005.

<sup>92</sup> U.S. Joint Chiefs of Staff, *DoD Dictionary of Military and Associated Terms*.

<sup>93</sup> U.S. Department of Justice, *The National Criminal Intelligence Sharing Plan*, 11.

<sup>94</sup> Ibid., 14-15.

<sup>95</sup> Ibid., 16.

<sup>96</sup> Ibid., 19-21.

<sup>97</sup> CRS Report for Congress, *The FBI: Past, Present, Future*, 25.

<sup>98</sup> U.S. Senate, United States Select Committee to Study Government Operations, Church Committee Report, Volume 7: Covert Action, Book II: Intelligence Activities and the Rights of Americans (Washington, D.C.: The Library of Congress, 1976), 289.

<sup>99</sup> U.S. Department of Justice, *Law Enforcement: A Guide For State, Local, and Tribal Law Enforcement Agencies* (Washington, D.C.: Office of Community Oriented Policing Services, November 2004), 24-26.

<sup>100</sup> Raymond W. Kelly, New York City Police Commissioner, in response to question posed by author during his remarks to USAWC students, 15 October 2004, New York, NY. Kelly stated that NYPD has a 500 person Intelligence Section with at least one intelligence officer assigned to each precinct.

<sup>101</sup> Telephone conversation with Paul Garten, Washington, D.C. JTTF Supervising Agent. 22 October 2004.

<sup>102</sup> U.S. Department of Justice, *The National Criminal Intelligence Sharing Plan* (Washington, D.C.: U.S. Department of Justice, April 2004), ii.

<sup>103</sup> Lyons, 532.

<sup>104</sup> Federal Bureau of Investigation, *Report to the National Commission on Terrorist Attacks Upon the United States: The FBI's Counter-Terrorism Program Since September 2001*, 42.

<sup>105</sup> U.S. Department of Justice, *The National Criminal Intelligence Sharing Plan*, 17.

<sup>106</sup> Some of the ideas for these training topics came from a class taught to an audience of law enforcement personnel in December 2004 at University of California, San Francisco Police Department in December 2004 by Jim Biesterfeld, FBI Special Agent (Retired).

<sup>107</sup> Available at <http://www/it.ojt.gov/global/>

<sup>108</sup> Jamie S. McDevitt, Acting Section Chief, Criminal Justice Information Services Division. Letter sent to Author. 29 November 2004.



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